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Stark County Law Library Association

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BEGINNERS

CAFA Resource Center

The email address, info@starklawlibrary.org really works! TRY IT!!

The Class Action Fairness Act has been getting some notice of late, when I saw this blog post

The Civil Justice Reform Group and the Institute for Legal Reform have jointly launched a resource center with educational materials on the new federal class action law. The target audience is defense lawyers, but many of the materials are likely to be of interest to others as well. ¹

referencing the Resource Center <<http://www.legalreforminthenews.com/CAFA/CAFA%20Practice%20Guide%20Launch.html>> at the American Justice Partnership website <<http://www.legalreforminthenews.com/>> I knew I had my topic for this month.

Marsha Rabiteau expresses two concerns, which form the justification for the site:

- One that unless defense counsel fully understand the ins-and-outs of CAFA, they will be less successful in their defense strategies resulting in bad rulings and case law.

- The other concern is to position litigators with case law developments that might otherwise escape their attention. ²

The Civil Justice Reform Group and the Institute for Legal Reform enlisted the help of John Beisner, and Jessica Davidson Miller of O'Melveny & Myers and Sheila Birnbaum of Skadden Arps to create a series of CAFA educational materials to help counsel achieve greater success in working with CAFA.

Their practice documents, "Litigating in the New Class Action World: A Practitioner's Guide to the Class Action Fairness Act's Legislative History" and "CAFA Removal Documents" are available for immediate download at <<http://www.legalreforminthenews.com/CAFA/CAFA%20Practice%20Guide%20Download.html>>. Or, you can order their free CD at <<http://www.legalreforminthenews.com/CAFA/CAFA%20Practice%20Registration%20Form.html>>.

BEGINNER (CONTINUED)

CAFA Resource Center

Birnbaum, Beisner and Miller have also created an hour-long free DVD which discusses CAFA in detail and provides expert insights to help you "get it right" in briefs and oral arguments. You can order the DVD using the same order form as the CD.

You can also register for ongoing email updates which will include unpublished district court opinions, updated expert analysis and email notifications of new developments in how CAFA is being applied by defense counsel.

INTERMEDIATE

Perils of PowerPoint

Other disadvantages to using PowerPoint incorrectly are that it often encourages speaker-listener passivity and also tends to condense too much information.

While researching PowerPoint alternatives, I came across a thought-provoking article, titled "PowerPoint: Killer App?" And they meant it literally! Citing an analysis of a PowerPoint presentation to NASA senior managers in January 2003, while Columbia was still in the air and they were "weighing the risk posed by tile damage on the shuttle wings.

Edward Tufte, a Yale political scientist and specialist in the visual display of information, found that key information was so buried and condensed in the rigid PowerPoint format as to be useless."³ The Columbia Accident Investigation Board later devoted a full page of its report to the issue, "criticizing a space agency culture in which, it said, 'the endemic use of PowerPoint' substituted for rigorous technical analysis."⁴

In another article, "Tufte argued that the PowerPoint encouraged 'faux-analytical' thinking that favors the slickly produced 'sales pitch' over the sober exchange of information."⁵

Other disadvantages to using PowerPoint incorrectly are that it often encourages speaker-listener passivity and also tends to condense too much information.⁶

From David Saxby's article, "Spark Powerful Presentations... Avoid OverPOWERing Your Audience," come more perils of PowerPoint:

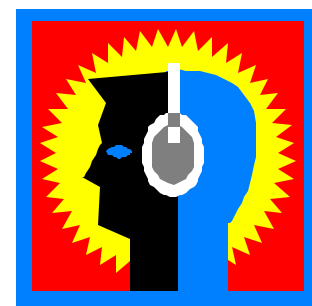
- The ease of use makes presenters and desktop publishers believe they are presentation designers.
- The printed word is different than the projected word
- The wrong use of content will take the focus away from the speaker
- Presenters use it as a crutch and put their entire presentation on the screen and read it
- Presenters become dependent on PowerPoint and cannot deliver if the technology fails
- If the presentation doesn't complement their presentation style, the audience will focus its attention on the screen rather than the presenter.⁷

INTERMEDIATE

Perils of PowerPoint (Continued)

I want to point out that I am NOT recommending that you uninstall PowerPoint. It can be a very good and powerful tool in many phases of the legal profession. Just

know that it does have drawbacks and be judicious in using the program. Next month I'll discuss some alternatives to PowerPoint that you may want to consider.



ADVANCED

Podcasting Problems II

If you are using a media player on a Windows or Pocket PC, to listen to your favorite podcasts, chances are very good that there is a possibility of invasion by the insidious broadband-snatchers or spyware tricksters.

Last month's Info@ discussed the ways in which your podcatcher software can save you a lot of headaches from infected podcasts. And if you listen to your podcasts using an MP3 player, such as the iPod or a Creative Zen Micro, you are probably safe because these simple operating systems aren't attractive targets for the bad guys.

The bad news is that if you are using a media player on a Windows or Pocket PC, to listen to your favorite podcasts, chances are very good that there is a possibility of invasion by the insidious broadband-snatchers or spyware tricksters.

If you have a broadband connection, in particular, your PC is a valuable resource for hackers who'd love to install their spyware. They can then show you

pay-per-click pop-up ads, use your bandwidth to quietly send millions of pieces of spam, or launch denial-of-service attacks against Web sites.⁸

The solution, though a bit simplistic is to keep your media player up-to-date with the latest patches. The problem here is that this may not be enough. For example, Windows Media Player Version 10 with updates is fine, but only if you are using Windows XP with SP2. Users of Windows 2000 or 2003 have a few more hoops to jump through (see the article in footnote 8 for details), and users of Windows 98, SE and Me are just out of luck because Microsoft no longer supports these OSs.

"iTunes isn't safe just because it's Apple."⁹ It has had its share of problems, but they have been fixed with the release in late June of version

Stay on top of the latest “fixes” and enjoy listening to your favorite podcasts.

ADVANCED

Podcasting Problems II (Continued)

4.9, the first version that supports podcasting. Quick Time, another Apple product, is primarily used to view short videos but works equally well for short podcasts. It is safe at the 7.0.1 level. (again refer to footnote 8 for specifics)

RealPlayer is one of the most popular media players on the market, with hundreds of millions of downloads of its free player and more than 2 million paying subscribers. As with

the previous software, RealPlayer has problems with security holes and privacy issues so take precautions.¹⁰

Stay on top of the latest “fixes” and enjoy listening to your favorite podcasts.

Because of the extensive use of links to important material in the Livingston article, I highly recommend accessing this article in PDF from the law library website given below.

FOOTNOTES

¹ Olson, Walter. “Class Action Fairness Act.” PointofLaw.com. 8 September 2005. Center for Legal Policy at the Manhattan Institute. 12 September 2005. <<http://www.pointoflaw.com/archives/001560.php>>.

² “Class Action Fairness Act Resource Center and Practice Materials.” American Justice Partnership. 2005 American Justice Partnership. 12 September 2005. <<http://www.legalreforminthenews.com/CAFA/CAFA%20Practice%20Guide%20Launch.html>>.

³⁻⁵ Marcus Ruth, “PowerPoint: Killer App?” Washingtonpost.com. 30 August 2005. The Washington Post Company. 16 September 2005. <<http://www.washingtonpost.com/wp-dyn/content/article/2005/08/29/AR2005082901444.html>>.

⁶ “PowerPoint - Skills and Integration Training.” PowerPoint Agenda. 16 September 2005. <http://edweb.tusd.k12.az.us rtc/workshops/PowerPoint/ppt_agenda.htm>.

⁷ Saxby, David. “Spark Powerful Presentations... Avoid OverPOWERing Your Audience.” January 2002. Crownhill Publishing. 16 September 2005. <<http://www.trainingreport.ca/articles/story.cfm?StoryID=210>>.

⁸⁻¹⁰ Livingston, Brian. “Protect Your Media Player from Podcasts.” Windows Secrets Newsletter. Issue 59. 11 August 2005. WindowsSecrets.com LLC. 19 September 2005. <<http://windowssecrets.com/comp/050811/>>.

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